

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF)	Case No. 18-41831 SKH
)	
ODESSA OSTIA ROEHRS,)	Chapter 7
)	
)	
Debtor(s))	

NOTICE OF TRUSTEE'S OBJECTION TO EXEMPTION CLAIM

James A. Overcash, Chapter 7 Bankruptcy Trustee, objects to the claimed exemption of the Debtor, Odessa Ostia Roehrs and shows the Court the following assets:

1. The Debtor filed for relief under Chapter 7 of the Bankruptcy Code on November 8, 2018 and James A. Overcash was appointed Trustee of the Debtors' estate.
2. On February 21, 2019, the Debtor filed a revised Exhibit C (Fil. #19).
3. The revised Exhibit C claims as exempt an asset listed as "401(k): 401k of Gerald Roehrs - divorce property settlement held by Mr. Roehrs. Mr. Roehrs has refused to transfer the account to the debtor – so this claim may be more in the nature of an account payable." (Fil. #19 at page 2). The Debtor claims this property as exempt pursuant to Neb. Rev. Stat. §25-1563.01.
4. The Trustee objects to the exemption claim made by the Debtor pursuant to *In re Lerbakken*, 590 B.R. 895 (B.A.P. 8th Cir. 2018) because the payment of the value of the account from the former spouse is a property settlement.

WHEREFORE, the Trustee requests that the objection to the Debtor's claimed exemption in divorce settlement pursuant to Neb. Rev. Stat. §25-1563.01 be granted and for such other relief as is just and equitable in the premises.

Dated this 28th day of February, 2019.

JAMES A. OVERCASH, TRUSTEE

s/James A. Overcash
James A. Overcash No. 18627
Trustee in Bankruptcy
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NOTICE OF OBJECTION/RESISTANCE DEADLINE

TO: The Debtor, Debtor's Attorney, Creditors and Other Interested Parties.

Please take notice that on February 28, 2019 the foregoing *Trustee's Objection to Exemption Claim* (the "*Objection*") was electronically filed with the United States Bankruptcy Court for the District of Nebraska. Anyone who desires to object or resist said *Objection* shall have until **March 21, 2019**, to file an objection or resistance with the Clerk of the United States Bankruptcy Court, 111 South 18th Plaza, Suite 1125, Omaha, NE 68102, and serve a copy on the undersigned. In the event that there is an objection or resistance filed, the Clerk of said Court will set a date and time for hearing on the objection or resistance. If objections or resistance are not filed, the Court will consider the entry of an Order granting the *Objection* without further notice or opportunity to be heard.

Please take notice that the provisions of Neb. R. Bankr. P. 9013-1 will apply to any objections or resistance that are filed.

s/James A. Overcash
James Overcash, Chapter 7 Trustee

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

- Carly Bahramzad cbahramzad@knudsenlaw.com, lryman@knudsenlaw.com
- Jerry Jensen ustpreion13.om.ecf@usdoj.gov
- Jerry L. Jensen Jerry.L.Jensen@usdoj.gov
- Trev Peterson tpeterson@knudsenlaw.com, lryman@knudsenlaw.com
- Timothy P. Sullivan timothy_p_sullivan@hotmail.com

And I hereby certify that I caused the foregoing document to be served by BK Attorney Services, LLC an Authorized Notice Provider by United States mail, postage prepaid to all other non-CM/ECF participants listed on the Debtor's Matrix.

/s/James A. Overcash

Chapter 7 Trustee